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FILED VIA ECF & UNDER SEAL

Hon. Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11217

Re: United States v. Guzman Loera, S4 09 CR 466 (BMC)

Dear Judge Cogan:

I am writing on behalf of defendant Joaquin Guzman Loera to respectfully request that the Court conduct an *in camera* inspection of certain unredacted § 3500 material for witness [REDACTED] to determine whether all the redactions are appropriate. Specifically, there are a number of materials which are so heavily redacted that the remaining text is difficult to impossible to comprehend.

For example, 3500-[REDACTED]-72, 3500-[REDACTED]-86, 3500-[REDACTED]-88 and 3500-[REDACTED]-89 are all redacted so heavily – sometimes within a single sentence – that the unredacted material is rendered worthless.¹ We are not necessarily challenging the sections where entire paragraphs are redacted, merely where the redactions are tailored throughout the sentence, and result in undue hardship discerning the sentence itself. In addition, there are subject areas, names, etc. which are redacted in [REDACTED] § 3500 materials but are not redacted in [REDACTED] § 3500 materials.² These inconsistencies are troubling and support a contention that the government has used its unilateral determination to redact inappropriately.

¹ Copies of the 3500 materials which the defense submits for review *in camera* are attached.

² Compare 3500-[REDACTED]-35, at ¶ 7 with 3500-[REDACTED]-72 at ¶¶ 1-2 (narcotics traffickers working on [REDACTED] tuna fishing boats named in 3500-[REDACTED]-35 but redacted in 3500-[REDACTED]-72); compare also 3500-[REDACTED]-35 at ¶ 8 with 3500-[REDACTED]-88, at p. 3 (bank where [REDACTED] held accounts named in 3500-[REDACTED]-35 but redacted out in 3500-[REDACTED]-88).

JEFFREY LICHTMAN

Honorable Brian M. Cogan

December 7, 2018

Page 2

When a dispute arises concerning what is appropriate to disclose to the defense pursuant to 18 U.S.C. § 3500, it is appropriate for the Court to inspect the documents *in camera* and make a determination as to whether the defense is entitled to the material and to what extent. See 18 U.S.C. §3500 (c); United States v. Gambino, 835 F.Supp 74, 92 (E.D.N.Y. 1993).

Should the Court determine that the government's redactions reach beyond what is necessary, I am requesting that the government provide the defendant appropriate copies of the above-mentioned § 3500 documents as quickly as practicable as [REDACTED]
[REDACTED]

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Lichtman', with a long horizontal stroke extending to the right.

Jeffrey Lichtman

enc.

cc: All counsel (by email and ECF)